

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KATHLEEN D'AGOSTINO, et al.,

Plaintiffs,

v.

GOVERNOR DEVAL PATRICK, in his
official capacity as Governor of the
Commonwealth of Massachusetts;
THOMAS L. WEBER, in his official
capacity as the Director of the Department of
Early Education and Care; and SERVICE
EMPLOYEES INTERNATIONAL UNION,
LOCAL 509,

Defendants.

Case No. 1:14-CV-11866-GAO

**JOINT STIPULATION AND MOTION PROVIDING FOR
AMENDMENT OF COMPLAINT AND PROPOSING DEADLINES**

Pursuant to Fed. R. Civ. P. 6(b) and 15(a), the parties in the above-captioned matter respectfully submit this Joint Stipulation and Motion, providing for an amendment of the Complaint and proposing deadlines for the filing of an amended complaint by July 31, 2014, and the filing of Defendants' responses by September 12, 2014.

As grounds for this motion, the parties stipulate and state as follows:

1. The Complaint in this matter was filed on April 16, 2014.
2. On April 28, 2014, Defendants filed an *assented-to* motion seeking an extension of time to respond to the Complaint, until and including July 15, 2014 (Dkt. No. 5). This Court granted the motion on April 29, 2014 (Dkt. No. 6). Part of the reason for the extension was the

pendency in the U.S. Supreme Court of Harris v. Quinn, No. 11-681, a case concerning the issue of “agency fees” paid to collective bargaining representatives.

3. On June 30, 2014, the Supreme Court decided Harris v. Quinn, 573 U.S. ____ (2014), addressing the issue of “agency fees” paid to collective bargaining representatives.

4. In light of Harris, the parties stipulate and agree that Plaintiff will be permitted time to amend the Complaint. Pursuant to Fed. R. Civ. P. 6(b) and 15(a), the parties agree to, and jointly request that this Court approve, a schedule setting forth the following deadlines:

- a. Plaintiff to file an Amended Complaint by July 31, 2014;
- b. Defendants to file responses by September 12, 2014.

5. Good cause exists for this request, in light of the parties’ desire to amend their pleadings and responses in light of the recent Harris decision. The parties also propose the above dates in order to accommodate the vacation schedules of counsel, and to provide sufficient time for Defendants to prepare motions to dismiss if necessary.

Based on the foregoing, the parties respectfully request that this Court enter an Order setting the deadlines above.

Respectfully submitted,

Plaintiffs

KATHLEEN D’AGOSTINO; DENISE BOIAN; JEAN M. DEMERS; JUDITH SANTOS; LAURIE SMITH; and KELLY WINSHIP,

By their attorneys,

/s/ Geoffrey R. Bok
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Defendants

GOVERNOR DEVAL PATRICK, in his official capacity as Governor of the Commonwealth of Massachusetts, and THOMAS L. WEBER, in his official capacity as the Director of the Department of Early Education and Care,

By their attorney,
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/s/ Tori T. Kim

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Dated: July 14, 2014

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Dated: July 14, 2014

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Dated: July 14, 2014

LOCAL RULE 7.1 STATEMENT

I certify that I have conferred with opposing counsel, Geoffrey R. Bok and William L. Messenger, regarding this motion, and have obtained their assent to the relief sought.

/s/ Tori T. Kim
Tori T. Kim

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on today's date.

/s/ Tori T. Kim
Tori T. Kim